

REMARKS

Claims 1, 3-9 and 12-41 are pending in this application. Claims 1, 5, 7, 8, 9 and 17 are independent claims. By this amendment, claims 1, 5, 7-11 and 17 are amended, claims 2, 10 and 11 are canceled without prejudice or disclaimer thereto, and new claims 18-41 are added.

Reconsideration in view of the above-noted amendments and the following remarks is respectfully solicited.

Personal Interview

Applicants wish to thank Examiners Nelson Hernandez and Vu-Ngoc Yen for the courtesies extended to Applicant's representative, Carolyn Baumgardner, during the July 15, 2005 personal interview. During the interview, the differences between the claimed invention and the Okada reference were discussed. The substance of the personal interview is summarized in the following remarks.

The Claims Define Patentable Subject Matter

The final Office Action rejected:

(1) claims 1, 3, 7-9, 11, 13 and 17 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,727,954 to Okada (hereafter Okada);

(2) claims 4, 15 and 16 under 35 U.S.C. §103(a) as being unpatentable over Okada in view of U.S. Patent Application Publication No. 2002/0082080 A1 to Kojima (hereafter Kojima); and

(3) claims 2, 5, 6, 10, 12 and 14 under 35 U.S.C. §103(a) as being unpatentable over Okada in view of U.S. Patent No. 6,154,210 to Anderson (hereafter Anderson).

These rejections are respectfully traversed.

Applicants respectfully submit that Okada, either alone or in combination with Kojima and/or Anderson, fails to teach or suggest each and every feature as set forth in the claimed invention.

For example, in the present invention a camera displays a function corresponding to a physical cross key 118 provided on the camera according to a mode selected by a user. In this case, the function assigned to the cross key is displayed in the display 120, the display being arranged to be wedged in the crossing of the cross key button 118. The display displays in the vicinity of the switch portions information related to the function assigned to at least one of the respective switch portions. Therefore, the user can easily understand how to operation the digital camera 10 intuitively by simple looking at the display.

In contrast with the present invention, Okada merely discloses a plurality of operation modes (the switches 13 and 14, see col. 8, lines 15-23) and the buttons 19a-d, which are used merely for the purpose of changing the optical axis. (see Okada, col. 9, lines 7-23). Further, in Okada, the display (LCD panel 12) merely displays live-view image (see col. 8, lines 4-14). Accordingly, Okada fails to disclose displaying a function corresponding to the operation mode selected by the user and also fails to display in the vicinity of the switch portion, as set forth in the claimed invention.

According to MPEP §2131, “a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. Of California*, 814 F.2d 628, 631, 2 USPQ2d 1051 (Fed. Cir. 1987). “The identical invention must be shown in as complete detail as is contained in the ...claims.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913 (Fed. Cir. 1989). The elements must be arranged as required by the claims, but this is not an *ipsissimis verbis* test, i.e., identity of terminology is not required. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990).

Applicants respectfully submit that the Office Action has failed to establish the required *prima facie* case of anticipation because the cited reference, Okada, fails to teach or suggest each and every feature as set forth in the claimed invention.

Applicants respectfully submit that independent claims 1, 5, 7, 8, 9 and 17 are allowable over Okada for at least the reasons noted above.

As for each of the dependent claims not particularly discussed above, these claims are also allowable for at least the reasons set forth above regarding their corresponding independent claims, and/or for the further features claimed therein.

Accordingly, withdrawal of the rejection of claims 1, 3, 7-9, 11, 13 and 17 under 35 U.S.C. §102(e) is respectfully solicited.

Applicants also respectfully submit that both Anderson and Kojima fail to make up for the deficiencies found in Okada.

For example, in contrast with the present invention, Anderson merely discloses a touch-screen equipped camera having none of the hardware components as set forth in the claimed invention. In other words, Anderson merely displays a camera with some input areas as graphical icons along with their respective functions on a touch screen, e.g., four input areas ts411a, ts411b, ts410a, and ts410b. (see Anderson, col. 6, line 22 and Figs. 2A and 2B). In Anderson, a touch-screen LCD 502 is used for accepting input from the user, instead of a cross key.

Anderson uses a touch-screen equipped digital imaging device for inputting information as opposed to a button interface. (see Anderson, col. 5, line 64 to col. 3, line 5). As such, if the user in Anderson wants to change the mode, he/she has to search through the graphical icons on the touch screen 502. On the other hand, in the present invention, the user has only to operate the cross key 118 that fits in his hand.

In addition, in the present invention a display is arranged to be wedged in the crossing part of the cross key. In contrast with the present invention, Anderson merely discloses a touch-screen LCD with touch input areas thereon. No cross key configuration with a display wedged in the crossing part thereof is disclosed in Anderson. In fact, Anderson is directed towards a system that has none of the hardware components, i.e., cross key, to run button aware applications. (see Anderson, col. 5, lines 57-63).

In other words, Anderson merely discloses programmable soft keys 416 which are completely different from the claimed configuration.

Like Anderson, Kojima also fails to teach or suggest a cross key physically disposed on the input unit with a display arranged to be wedged in the crossing part of the cross key.

Furthermore, Like Okada, neither Anderson nor Kojima disclose displaying at least a function corresponding to the operation mode selected by the user.

To establish a *prima facie* case of Obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). See MPEP 706.02(j).

Applicants respectfully submit that the combination of Okada with Anderson and/or Kojima fail to teach or suggest each and every feature as set forth in the claimed invention.

Applicants respectfully submit that not only does the references fail to teach or suggest each and every feature as set forth in the claimed invention, but that one of ordinary skill in the art would not have been motivated to combine/modify the teachings of Okada with Anderson and/or Kojima because there is no teaching or suggestion in any of the references regarding how or why one would modify such systems to arrive at the claimed invention.

Applicants respectfully submit that claims 2, 4-6, 10, 12 and 14-16 are allowable over the combination of Okada with Anderson and/or Kojima for at least the reasons noted above.

Accordingly, withdrawal of the rejection of claims 2, 4-6, 10, 12 and 14-16 under 35 U.S.C. §103(a) is respectfully requested.

Conclusion


In view of the foregoing, Applicant respectfully submits that the application is in condition for allowance. Favorable reconsideration and prompt allowance are earnestly solicited.

Should the Examiner believe that anything further would be desirable to place this application in better condition for allowance, the Examiner is invited to contact Carolyn T. Baumgardner (Reg. No. 41,345) at (703) 205-8000 **to schedule a Personal Interview.**

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment from or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §1.16 or under 37 C.F.R. §1.17; particularly, the extension of time fees.

Dated: July 19, 2005

Respectfully submitted,

By 

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Interview Summary

Application No.

09/747,926

Applicant(s)

MISAWA ET AL.

Examiner

Nelson D. Hernandez

Art Unit

2612

All participants (applicant, applicant's representative, PTO personnel):

(1) Nelson D. Hernandez.

(3) Vu. Ngoc Yen

(2) Karoline Carolyn Baumgardner

(4) _____

COPY

Date of Interview: _____

Type: a) ☐ Telephonic b) ☐ Video Conference

c) ☒ Personal [copy given to: 1) ☐ applicant 2) ☒ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☐ No.

If Yes, brief description: _____

Claim(s) discussed: 1

Identification of prior art discussed: Okada, US Patent 6,727,954 B1

Agreement with respect to the claims f) ☒ was reached. g) ☐ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: _____

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Attorney presented proposed amendment on claim 1 to highlight the display of ~~operations~~ ^{functions} related to the crosskey when changing into different modes. Further considerations will be performed when applicant submit formal responses.

NGOC-YEN VU
PRIMARY EXAMINER

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

Examiner's signature, if required